

REFERENCE TITLE: voter registration list; fee.

State of Arizona  
Senate  
Forty-ninth Legislature  
First Regular Session  
2009

## **SB 1223**

Introduced by  
Senator Garcia

AN ACT

AMENDING SECTION 16-168, ARIZONA REVISED STATUTES; RELATING TO REGISTRATION ROLLS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:  
2       Section 1. Section 16-168, Arizona Revised Statutes, is amended to  
3 read:

4           16-168. Precinct registers; date of preparation; contents;  
5           copies; reports; statewide database; violation;  
6           classification

7       A. By the tenth day preceding the primary and general elections the  
8 county recorder shall prepare from the original registration forms or from  
9 electronic media at least four lists that are printed or typed on paper of  
10 all qualified electors in each precinct in the county, and the lists shall be  
11 the official precinct registers.

12      B. The official precinct registers for use at the polling place shall  
13 contain at least the names in full, party preference, date of registration  
14 and residence address of each qualified elector in the respective precincts.  
15 The names shall be in alphabetical order and, in a column to the left of the  
16 names, shall be numbered consecutively beginning with number 1 in each  
17 precinct register.

18      C. For the purposes of transmitting voter registration information as  
19 prescribed by this subsection, electronic media in counties with a population  
20 over five hundred thousand persons in the last decennial census shall be the  
21 principal media. A county or state chairman who is eligible to receive  
22 copies of precinct lists as prescribed by this subsection may request that  
23 the recorder provide a paper copy of the precinct lists. The county  
24 recorder, in addition to preparing the official precinct lists, shall provide  
25 a means for mechanically or electronically reproducing the precinct lists and  
26 unless otherwise agreed shall deliver within eight days after the close of  
27 registration for the primary and general elections, without charge, on the  
28 same day one electronic media copy of each precinct list within the county to  
29 the county chairman and one electronic media copy to the state chairman of  
30 each party that has at least four candidates other than presidential electors  
31 appearing on the ballot in that county at the current election. The county  
32 recorder shall also deliver, on request and without charge, one electronic  
33 media copy of the precinct list to the Arizona legislative council. The  
34 county recorder of a county with a population of five hundred thousand or  
35 fewer persons, on the same day precinct lists are delivered to county  
36 chairmen, shall deliver one electronic media copy of each precinct list  
37 within the county to the state chairman of each party that has at least four  
38 candidates other than presidential electors appearing on the ballot in this  
39 state at the current election. The copies of the precinct lists shall be  
40 electronic media and shall include for each elector the following  
41 information:

- 42           1. Name in full and appropriate title.  
43           2. Party preference.  
44           3. Date of registration.  
45           4. Residence address.

- 1       5. Mailing address, if different from residence address.
- 2       6. Zip code.
- 3       7. Telephone number if given.
- 4       8. Birth year.
- 5       9. Occupation if given.

6       10. Voting history for all elections in the prior four years and any  
7 other information regarding registered voters that the county recorder or  
8 city or town clerk maintains electronically and that is public information.

9       D. The names on the precinct lists shall be in alphabetical order and  
10 the precinct lists in their entirety, unless otherwise agreed, shall be  
11 delivered to each county chairman and each state chairman within ten business  
12 days of the close of each date for counting registered voters prescribed by  
13 subsection G of this section other than the primary and general election  
14 registered voter counts in the same format and media as prescribed by  
15 subsection C of this section. During the thirty-three days immediately  
16 preceding an election and on request from a county or state chairman, the  
17 county recorder shall provide a daily list of persons who have requested an  
18 early ballot and shall provide a weekly listing of persons who have returned  
19 their early ballots. The recorder shall provide the daily and weekly  
20 information through the third day preceding the election.

21       E. Precinct registers and other lists and information derived from  
22 registration forms may be used only for purposes relating to a political or  
23 political party activity, a political campaign or an election, for revising  
24 election district boundaries or for any other purpose specifically authorized  
25 by law and may not be used for a commercial purpose as defined in section  
26 39-121.03. The sale of registers, lists and information derived from  
27 registration forms to a candidate or a registered political committee for a  
28 use specifically authorized by this subsection does not constitute use for a  
29 commercial purpose. The county recorder FOR A COUNTY WITH FEWER THAN TWO  
30 HUNDRED THOUSAND REGISTERED VOTERS, ~~on~~ AFTER a request for ~~an authorized use~~  
31 PURPOSES RELATING TO A POLITICAL OR POLITICAL PARTY ACTIVITY, A POLITICAL  
32 CAMPAIGN OR AN ELECTION and within thirty days from receipt of the request,  
33 shall prepare additional copies of ~~an~~ THE official COUNTYWIDE precinct list  
34 and furnish them to ~~any~~ THE person requesting them on payment of a fee equal  
35 to five cents for each name appearing on the register for a printed list.  
~~and one cent for each name for an electronic data medium, plus the cost of~~  
~~the blank computer disk or computer software if furnished by the recorder,~~  
~~for each copy so furnished.~~ THE COUNTY RECORDER FOR A COUNTY WITH TWO  
39 HUNDRED THOUSAND OR MORE REGISTERED VOTERS, AFTER A REQUEST FOR PURPOSES  
40 RELATING TO A POLITICAL OR POLITICAL PARTY ACTIVITY, A POLITICAL CAMPAIGN OR  
41 AN ELECTION AND WITHIN THIRTY DAYS FROM RECEIPT OF THE REQUEST, SHALL PREPARE  
42 THE OFFICIAL COUNTYWIDE PRECINCT REGISTER IN ELECTRONIC MEDIA AND FURNISH IT  
43 TO THE PERSON REQUESTING IT ON PAYMENT OF A FEE OF NO MORE THAN ONE HUNDRED  
44 FIFTY DOLLARS. PRODUCTION OF THE ENTIRE COUNTYWIDE PRECINCT REGISTER BY THE  
45 COUNTY RECORDER AS A SINGLE DOCUMENT OR SINGLE FILE FOR ONE OF THE DATES

1       PRESCRIBED BY SUBSECTION G OF THIS SECTION CONSTITUTES COMPLIANCE WITH THIS  
2       SUBSECTION.

3       F. Any person in possession of a precinct register or list, in whole  
4       or part, or any reproduction of a precinct register or list, shall not permit  
5       the register or list to be used, bought, sold or otherwise transferred for  
6       any purpose except for uses otherwise authorized by this section. A person  
7       in possession of information derived from voter registration forms or  
8       precinct registers shall not distribute, post or otherwise provide access to  
9       any portion of that information through the internet, except as authorized by  
10      subsection I of this section. Nothing in this section shall preclude public  
11      inspection of voter registration records at the office of the county recorder  
12      for the purposes prescribed by this section, except that the month and day of  
13      birth date, the social security number or any portion thereof, the driver  
14      license number or nonoperating identification license number, the Indian  
15      census number, the father's name or mother's maiden name, the state or  
16      country of birth and the records containing a voter's signature shall not be  
17      accessible or reproduced by any person other than the voter, by an authorized  
18      government official in the scope of the official's duties, for signature  
19      verification on petitions and candidate filings, for election purposes and  
20      for news gathering purposes by a person engaged in newspaper, radio,  
21      television or reportorial work, or connected with or employed by a newspaper,  
22      radio or television station or pursuant to a court order. A person who  
23      violates this subsection or subsection E of this section is guilty of a class  
24      6 felony.

25      G. The county recorder shall count the registered voters by political  
26      party by precinct, legislative district and congressional district as  
27      follows:

28       1. In even numbered years, the county recorder shall count all persons  
29       who are registered to vote as of:

- 30           (a) January 1.
- 31           (b) March 1.
- 32           (c) June 1.

33           (d) The last day on which a person may register to be eligible to vote  
34       in the next primary election.

35           (e) The last day on which a person may register to be eligible to vote  
36       in the next general election.

37           (f) The last day on which a person may register to be eligible to vote  
38       in the next presidential preference election.

39       2. In odd numbered years, the county recorder shall count all persons  
40       who are registered to vote as of:

- 41           (a) January 1.
- 42           (b) April 1.
- 43           (c) July 1.
- 44           (d) October 1.

1       H. The county recorder shall report the totals to the secretary of  
2 state as soon as is practicable following each of the dates prescribed in  
3 subsection G of this section. The report shall include completed  
4 registration forms returned in accordance with section 16-134, subsection B.  
5 The county recorder shall also provide the report in a uniform electronic  
6 computer media format that shall be agreed ~~upon~~ ON between the secretary of  
7 state and all county recorders. The secretary of state shall then prepare a  
8 summary report for the state and shall maintain that report as a permanent  
9 record.

10      I. The county recorder and the secretary of state shall protect access  
11 to voter registration information in an auditable format and method specified  
12 in the secretary of state's electronic voting system instructions and  
13 procedures manual that is adopted pursuant to section 16-452.

14      J. The secretary of state shall develop and administer a statewide  
15 database of voter registration information that contains the name and  
16 registration information of every registered voter in this state. The  
17 database shall include an identifier that is unique for each individual  
18 voter. The database shall provide for access by voter registration officials  
19 and shall allow expedited entry of voter registration information after it is  
20 received by county recorders. As a part of the statewide voter registration  
21 database, county recorders shall provide for the electronic transmittal of  
22 that information to the secretary of state on a daily basis. The secretary  
23 of state shall provide for maintenance of the database, including provisions  
24 regarding removal of ineligible voters that are consistent with the national  
25 voter registration act of 1993 (P.L. 103-31; 107 Stat. 77; 42 United States  
26 Code section 394) and the help America vote act of 2002 (P.L. 107-252; 116  
27 Stat. 1666; 42 United States Code sections 15301 through 15545), provisions  
28 regarding removal of duplicate registrations and provisions to ensure that  
29 eligible voters are not removed in error.

30      K. Except as provided in subsection L of this section, for requests  
31 for the use of registration forms and access to information as provided in  
32 subsections E and F of this section, the county recorder shall receive and  
33 respond to requests regarding federal, state and county elections.

34      L. Beginning January 1, 2008, recognized political parties shall  
35 request precinct lists and access to information as provided in subsections E  
36 and F of this section during the time periods prescribed in subsection C or D  
37 of this section and the county recorder shall receive and respond to those  
38 requests. If the county recorder does not provide the requested materials  
39 within the applicable time prescribed for the county recorder pursuant to  
40 subsection C or D of this section, a recognized political party may request  
41 that the secretary of state provide precinct lists and access to information  
42 as provided in subsections E and F of this section for federal, state and  
43 county elections. The secretary of state shall not provide access to  
44 precinct lists and information for recognized political parties unless the  
45 county recorder has failed or refused to provide the lists and materials as

1 prescribed by this section. The secretary of state may charge the county  
2 recorder a fee determined by rule for each name or record produced.

3 M. For municipal registration information in those municipalities in  
4 which the county administers the municipal elections, county and state party  
5 chairmen shall request and obtain voter registration information and precinct  
6 lists from the city or town clerk during the time periods prescribed in  
7 subsection C or D of this section. If the city or town clerk does not  
8 provide that information within the same time prescribed for county recorders  
9 pursuant to subsection C or D of this section, the county or state party  
10 chairman may request and obtain the information from the county recorder.  
11 The county recorder shall provide the municipal voter registration and  
12 precinct lists within the time prescribed in subsection C or D of this  
13 section.